

DOCKET NO.: 258249US6X PCT/atm

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

GROUP: 3618

Kiyokazu TANAKA, et al.

SERIAL NO: 10/506,615

EXAMINER: AVERY, BRIDGET D

FILED: September 13, 2004

FOR: SMALL SWING TYPE SHOVEL

**APPLICATION OF PREVIOUSLY PAID ISSUE FEE IN  
ACCORDANCE WITH SECTION 1308.01 MPEP**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

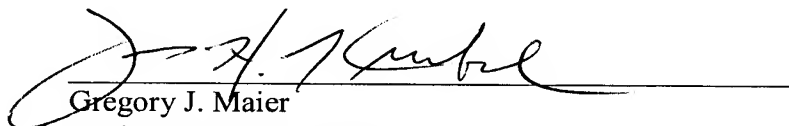
The above-identified application was withdrawn from Issue after payment of the Issue Fee in the amount of \$1770.00 (Issue Fee \$1440.00 + Pub. Fee \$300.00 + Adv. Patent Copies \$30.00).

Enclosed is a Fee Transmittal Form for the Issue Fee Balance due in the amount of \$70.00.

The application has now been allowed again and since a refund of the previously paid Issue Fee has not been requested, it is now requested that the previously paid Issue Fee be applied to the Issue Fee being paid herewith. Enclosed herewith is a copy of the Petition Granted.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
Gregory J. Maier  
Registration No. 25,599

Customer Number

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(OSMMN 04/07)

**James H. Knebel**  
**Registration No. 22,630**



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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ALEXANDRIA, VA 22314

**COPY MAILED**

APR 04 2008

**OFFICE OF PETITIONS**

ON PETITION

In re Application of :  
Kiyokazu Tanaka et al :  
Application No. 10/506,615 :  
Filed: September 13, 2004 :  
Attorney Docket No. 258249US3XPCT :

This is a decision on the petition, filed April 3, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.


The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on February 15, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3618 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

Docket No. 258249US6X PCT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR(S) Kiyokazu TANAKA, et al.

SERIAL NO: 10/506,615

FILING DATE: September 13, 2004

FOR: SMALL SWING TYPE SHOVEL

**FEE TRANSMITTAL - ISSUE FEE BALANCE DUE**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

FOR	AMOUNT
ISSUE FEE BALANCE	\$70.00

■ Please charge Deposit Account No. 15-0030 in the amount of **\$70.00**.

■ The Director is hereby authorized to charge any additional fees which may be required for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to Deposit Account No. 15-0030.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

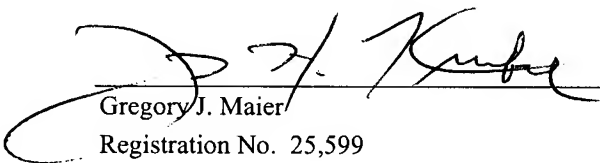
FEB 13 2009

Date: \_\_\_\_\_

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